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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,391	09/08/2000	Yoshito Nihira	KAM1-BM48	3462

21611 7590 11/28/2003

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EXAMINER

NGUYEN, KIMNHUNG T

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 11/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/658,391

Applicant(s)

NIHIRA ET AL.

Examiner

Kimnhung Nguyen

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This Application has been examined. The claims 1-30 are pending. The examination results are as following.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nihira et al. (EP patent 0994455A2 cited by Applicant) in view of Yamazaki (US patent 6,196,848).

Nihira et al. disclose in figure 1 a magnetophoretic display panel comprising a magnetic panel comprising a magnetic panel (2) including a pair of substrates (4,6) at least one of which is transparent and a multi-cell structure (see cell spacer 15) which is sealedly arranged between said substrates and formed with an interior space of a thickness of 0.1-0.50; 0.15-0.25nm, see page 9, lines 38-39); and multi-cell structure of cell (see cell spacer); a magnetic recording member (16) provided on an end thereof with a magnet, which member is adapted to be slidably moved on a surface of said magnetic panel to form a display on said surface of said magnetic panel due to magnetophoresis of said magnetic particles in each of said cells (14a, 14b, 14c); and an magnetic erasure member (19) arranged at a bottom of said magnetic panel so as to be moved along said bottom of said magnetic panel, to thereby erase the display on said surface of said magnetic panel due to magnetophoresis of said magnetic particles in each of said cells; ; said magnetic

Art Unit: 2674

recording member (16) exhibiting an effective magnetic flux density of 100-300 Gauss, see page 9, lines 20-21); wherein said colored magnetic particles exhibit a magnetization of 20.0 emu/g when a magnetic field of 500 Oe is applied to the magnetic particles (see claims 3); and wherein the liquid dispersion contains 80 to 90 wt% of a single-color fluid and 10 to 20 wt% of magnetic particles (see page 30, see claim 2); and wherein the viscosity of the single-color fluid is 200 to 800 cp at 25 degrees (see page 30, see claim 6); and wherein each of said colored liquids comprises titanium oxide, silicon oxide (see claim 8). However, Nihira et al. do not disclose therein a colored liquid and colored magnetic particles having a color tone different from that of the colored liquid; the magnetic recording member exhibiting an effective magnetic flux density of 100 to 500 Gauss or 300 to 1500; the colored magnetic particles exhibit a magnetization of 200 Oe; each of cells of said magnetic panel contains 80 to 90 wt % of said colored liquid and 10 to 20 Wt% of said colored magnetic particles; and the liquid mixture or colored liquids has a viscosity of 200 to 800 cp at 25 degrees C. Yamazaki discloses in figures 1 and 5B a magnetic display panel having the regions adjacent to each other may exhibit colors different colors put thereon (see abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of using the regions adjacent to each other may exhibit colors different colors as taught by Yamazaki into the display panel having colored liquid and colored magnetic particles of Nihira et al. because this would for corresponding one of the different colors are permitted to be attracted onto the one substrate for every region (see abstract).

Art Unit: 2674

From the claims above, it would have been obvious for Nihira et al. and Yamazaki's system to have the magnetic recording member exhibiting an effective magnetic flux density of 100 to 500 Gauss or 300 to 1500; the colored magnetic particles exhibit a magnetization of 200 Oe; each of cells of said magnetic panel contains 80 to 90 wt % of said colored liquid and 10 to 20 Wt% of said colored magnetic particles; and the liquid mixture or colored liquids has a viscosity of 200 to 800 cp at 25 degrees C as claimed since such a modification would have involved a mere change in the range of a system. A change in range is generally recognized as being within the level of ordinary skill in the art, absent unexpected results.

See In re Rose, 105 USPQ 237 (CCPA 1995)

and In re Reven, 156 USPQ 679 (CCPA 1968).

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number (703) 308-0425.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD A HJERPE** can be reached on **(703) 305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D. C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Art Unit: 2674

Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive,
Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.

Kimnhung Nguyen
November 21, 2003



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600